IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

TEDDY HUTCHISON,)	
Plaintiff,)	
v.)	No. 3:09-cv-0397 Judge Nixon
METROPOLITAN GOVERNMENT)	a magana a
OF NASHVILLE AND DAVIDSON)	
COUNTY and OFFICER BYRON CARTER,)	
OFFICER SCOTT BILLINGSBY, and)	
other Unknown Officers, in their individual)	
and official capacities,)	
)	
Defendants.)	

METROPOLITAN GOVERNMENT'S MOTION TO DISMISS

The Metropolitan Government of Nashville and Davidson County hereby moves to dismiss Plaintiff's claim against it in this action. Plaintiff's complaint fails to state a viable claim against the Metropolitan Government for municipal liability under 42 U.S.C. § 1983.

Plaintiff's complaint in this case is based entirely upon the conduct of police officers with whom Plaintiff came into contact in September of 2008. Plaintiff has not alleged any facts to establish the basis for a facially plausible claim that any such conduct was the result of a custom, policy, or practice of the Metropolitan Government.

Accordingly, the Metropolitan Government respectfully moves to be dismissed as a defendant to this lawsuit. The Metropolitan Government invites the Court to consider the memorandum of law filed contemporaneously with and in further support of this motion.

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY Sue Cain (#9380) Director of Law

s/Allison L. Bussell
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Certificate of Service

This is to certify that a copy of the foregoing has been forwarded, via the electronic filing system, to Larry L. Crain, 5214 Maryland Way, Suite 402, Brentwood, TN 37027, on this the 1st day of June, 2009.

s/Allison L. Bussell Allison L. Bussell